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June 25, 1992

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JUN 25 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

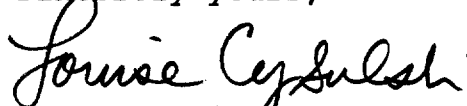
Re: **Petition for Rule Making**  
**FM Table of Allotments**  
**Channel 262A at Atlantic Beach, Florida**

Dear Ms. Searcy:

On behalf of Audrey R. Morris, we hereby submit an original and four copies of her Petition for Rule Making concerning a change of the community of license for Channel 262A from Pawley's Island to Atlantic Beach, Florida.

Please direct any questions or correspondence concerning this matter to our offices.

Sincerely yours,



Neal J. Friedman  
Louise Cybulski  
Counsel for Audrey R. Morris

Enclosure

cc: Audrey R. Morris

No. of Copies rec'd  
List A B C D E

6+4

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )

Amendment of Section 73.202(b) )  
Table of Allotments, )  
FM Broadcast Stations )  
(Pawley's Island and Atlantic )  
Beach, South Carolina) )

MM Docket No. 92-\_\_\_\_  
RM No. \_\_\_\_\_

**RECEIVED**

**JUN 25 1992**

To: Chief, Policy and Rules Division

**PETITION FOR RULE MAKING**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

1. Audrey R. Morris, permittee of WPAW(FM), Pawley's Island, by her attorneys and pursuant to Section 1.401(d) of the Commission's Rules, respectfully seeks to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, as follows:

	<u>Present</u>	<u>Proposed</u>
Pawley's Island, SC	262A	----
Atlantic Beach, SC	----	262A

2. The coordinates for the proposed allotment to Atlantic Beach are 33°48'08" North Latitude, 78°43'03" West Longitude. See Exhibit No. 1, at pp.1 and 3, a compilation obtained from Dataworld on June 9 and 24, 1992, showing the coverage areas and population figures within the 1 mV/m contours for the station as authorized at Pawley's Island and as proposed at Atlantic Beach.

**I. PRELIMINARY MATTERS**

3. The hypothetical transmitter site proposed in this petition meets the minimum distance separation requirements set

forth in Section 73.207 of the Commission's Rules. See Exhibit 2, an FM spacing study obtained from Dataworld on June 24, 1992. The change of the community of license can be made in the course of this rule making since the proposed amended allotment would be mutually exclusive with Ms. Morris' present assignment at Pawley's Island. See Section 1.420(i) of the Commission's Rules.

4. Atlantic Beach, South Carolina, as an incorporated municipality, is a "community" for allotment purposes. The Commission has normally "considered any incorporated place or any other place listed in the census reports as a community." Revision of FM Assignment Policies and Procedures, 90 FCC2d 88, 101 (1982). Under the Commission's procedures for allotments, "the term community means a specific locality, with defined boundaries where the residents share common interests. If it is an incorporated community the question is easily answered." North Naples, Florida, 41 RR2d 1549, 1553 (1977).

5. Attached hereto as Exhibit 3 is a copy of a "Welcome to Atlantic Beach, South Carolina" brochure printed by the Town of Atlantic Beach Department of Tourism. The brochure describes Atlantic Beach, which is 98.5 acres in size, as "one of the very few historically Black, incorporated municipalities in the United States." Since its incorporation in 1966, Atlantic Beach has had a mayor and town council. In addition, Atlantic Beach has its own police department, town hall, community center, and church. See Exhibit 3.

6. The change in allotment to Atlantic Beach, which is approximately 35 miles to the northeast of Pawley's Island, will not deprive Pawley's Island of its only local aural service. WDAI is authorized to Pawley's Island on Channel 253A. Moreover, the proposed allotment to Atlantic Beach will provide that community with its first local FM service.<sup>1/</sup> Accordingly, "the totality of the service improvements...taken as a whole, would advance [the FCC's] allotment priorities." Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 4874 (1989).

II. THE PROPOSAL AT ATLANTIC BEACH WILL RESULT IN A PREFERENTIAL ARRANGEMENT OF ALLOTMENTS

7. Ms. Morris respectfully submits that her proposal meets the Commission's requirement for a "preferential arrangement of allotments." Modification of Community of License, supra, 4 FCC Rcd at 4873. Atlantic Beach would gain its first local FM service as a result of this proceeding.

8. Additional public interest benefits will accrue under this proposal since it will provide service to a greater area and population that may presently be served on Channel 262A at Pawley's Island. As authorized at Pawley's Island, WPAW(FM) will serve an area of 962.1 square kilometers and a population

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<sup>1/</sup> The Commission's files indicate that a construction permit has been issued to Michael B. Gliner for WMIW(AM), Atlantic Beach. A modification application is pending under FCC File No. BMP-920214DB.

within the 1 mV/m contour of 53,309 persons.<sup>2/</sup> See Exhibit 1, p.1. As proposed herein, the same facility allocated to Atlantic Beach would serve an area of 962.1 square kilometers and a population of 82,287 persons.<sup>3/</sup> See Exhibit 1, p.3.

9. The loss of the second service which would be provided to Pawley's Island by WPAW(FM) is outweighed by the proposed provision of a first local FM service at Atlantic Beach. See Modification of Community of License, supra, 4 FCC Rcd at 4874 (FCC will not "preclude a change in community of license that would result in a preferential arrangement of allotments solely because the licensee will no longer serve its original community of license"). Accordingly, this proposal will result in a "net service benefit to the communities involved" and a "preferential arrangement of allotments." Id. at 4873, 4874.

10. If the Commission changes the community of license for Channel 262A from Pawley's Island to Atlantic Beach, Ms. Morris will promptly apply for the facility, by applying for a minor modification to her existing permit. If her modification application is granted, Ms. Morris will promptly construct and operate the proposed station at Atlantic Beach.

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<sup>2/</sup> The population of Pawley's Island is 176, according to the 1990 U.S. Census. See Exhibit 1, p.2.

<sup>3/</sup> The population of Atlantic Beach is 446, according to the 1990 U.S. Census. See Exhibit 1, p.4.

**CONCLUSION**

For the foregoing reasons, Audrey R. Morris respectfully requests that the Commission issue a Notice of Proposed Rule Making proposing the change of the community of license for Channel 262A from Pawley's Island to Atlantic Beach, South Carolina.

Respectfully submitted,

**AUDREY R. MORRIS**

By:   
Neal J. Friedman  
Louise Cybulski

Her Attorneys

Pepper & Corazzini  
200 Montgomery Building  
1776 K Street, NW  
Washington, DC 20006

202/296-0600

June 25, 1992

# ***EXHIBIT 1***

DATAWORLD Population Counting Program

This product is provided by DW, Inc. dba DATAWORLD,  
solely for the standard business uses of  
AUDREY R. MORRIS d/b/a WPAW-FM  
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June 24, 1992

Population count based on 1990 Census

Title: Pawleys Island, SC  
(CP Site)

Coordinates: 33-26-20  
79-08-11

1 Mv/m

Total Population (1990 Census):	53,309
Area (Square mi):	962.1



## Georgetown County, South Carolina

r/o Andrews division (pt.)	31
r/o Georgetown division (pt.)	3,582
r/o Andrews division (pt.)	101
Plantersville division (pt.)	886
Pleasant Hill-Folly Grove divi	101
Plantersville division (pt.)	102
Pleasant Hill-Folly Grove divi	56
Georgetown city (pt.)	4,906
r/o Georgetown division (pt.)	4
Georgetown city (pt.)	1,992
Plantersville division (pt.)	190
Pleasant Hill-Folly Grove divi	333
r/o Georgetown division (pt.)	1,803
Georgetown city (pt.)	2,538
Plantersville division (pt.)	93
Murrells Inlet CDP	3,334
r/o Waccamaw division (pt.)	1,009
Plantersville division (pt.)	463
r/o Waccamaw division (pt.)	3,066
→ Pawley's Island town	176
r/o Waccamaw division (pt.)	2,095
Georgetown city (pt.)	81
r/o Georgetown division (pt.)	878
Plantersville division (pt.)	916
r/o Andrews division (pt.)	28
Sampit-Santee division (pt.)	124
r/o Andrews division (pt.)	339
r/o Georgetown division (pt.)	3,762
Totals for Georgetown County (1990 Census):	32,989

**DATAWORLD Population Counting Program**

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June 9, 1992

Population count based on 1990 Census

Title: Atlantic Beach, SC  
(Proposed City of License)

Coordinates: 33-48-08  
78-43-03

1 mV/m

Total Population (1990 Census):	82,287
Area (Square mi):	962.1

Page 2  
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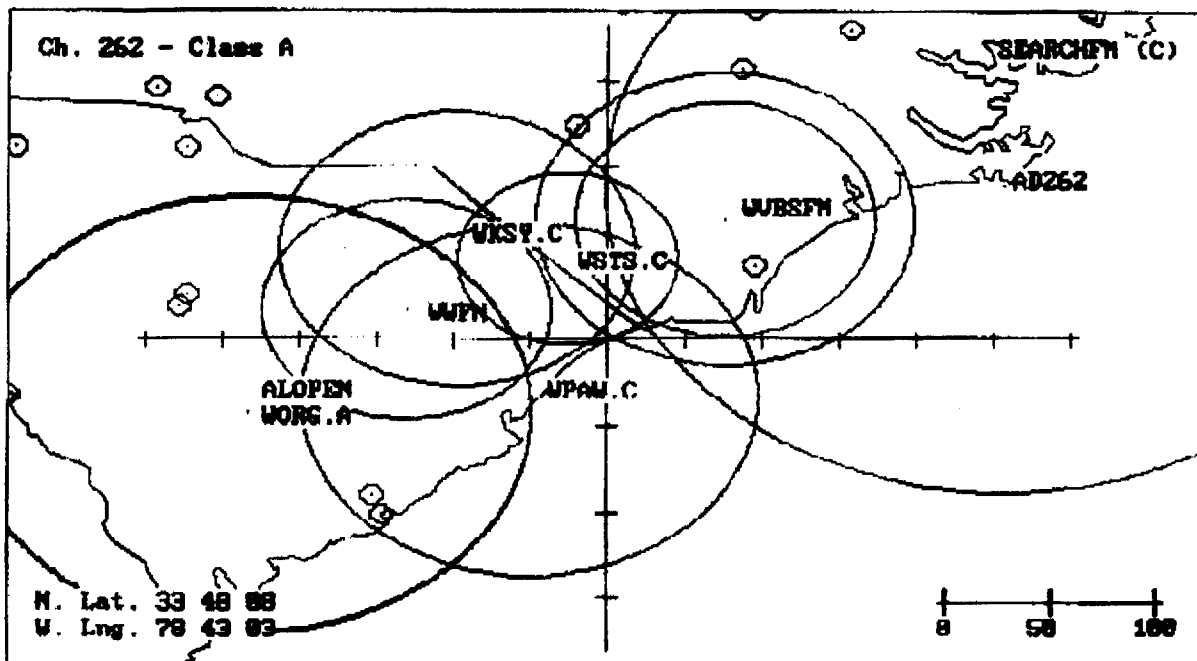
# Horry County, South Carolina

r/o Conway division (pt.)	80
→ Atlantic Beach town	446
Little River CDP (pt.)	446
r/o Little River division (pt.)	1,167
North Myrtle Beach city (pt.)	2,004
r/o Little River division (pt.)	633
Myrtle Beach city (pt.)	1,379
r/o Myrtle Beach division (pt.)	13
r/o Conway East division (pt.)	136
Myrtle Beach city (pt.)	1,552
r/o Myrtle Beach division (pt.)	1,408
North Myrtle Beach city (pt.)	1,776
r/o Little River division (pt.)	2
Longs division (pt.)	34
r/o Loris division (pt.)	809
r/o Conway East division (pt.)	340
Myrtle Beach city (pt.)	2,740
r/o Myrtle Beach division (pt.)	183
r/o Little River division (pt.)	121
r/o Myrtle Beach division (pt.)	867
Briarcliffe Acres town (pt.)	552
r/o Little River division (pt.)	682
r/o Conway division (pt.)	475
r/o Loris division (pt.)	486
Longs division (pt.)	480
r/o Conway division (pt.)	1,215
Myrtle Beach city (pt.)	5,781
Socastee CDP (pt.)	525
r/o Myrtle Beach division (pt.)	665
Longs division (pt.)	983
Little River CDP (pt.)	2,621
r/o Little River division (pt.)	141
r/o Conway division (pt.)	75
Longs division (pt.)	500
r/o Loris division (pt.)	100
Myrtle Beach city (pt.)	1,568
r/o Myrtle Beach division (pt.)	175
Myrtle Beach city (pt.)	1,663
r/o Myrtle Beach division (pt.)	887
Little River CDP (pt.)	403
r/o Little River division (pt.)	1,357
North Myrtle Beach city (pt.)	1,600
r/o Little River division (pt.)	80
North Myrtle Beach city (pt.)	1,822
r/o Little River division (pt.)	113
Myrtle Beach city (pt.)	3,589
r/o Myrtle Beach division (pt.)	4

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r/o Conway division (pt.)	130
Longs division (pt.)	613
Red Hill CDP (pt.)	3,890
r/o Conway East division (pt.)	146
Red Hill CDP (pt.)	55
r/o Conway East division (pt.)	1,306
Myrtle Beach city (pt.)	5,005
r/o Myrtle Beach division (pt.)	15
Myrtle Beach city (pt.)	1,571
r/o Myrtle Beach division (pt.)	521
r/o Conway division (pt.)	644
Longs division (pt.)	81
r/o Loris division (pt.)	165
Socastee CDP (pt.)	4,832
r/o Conway East division (pt.)	71
Forestbrook CDP	2,502
r/o Conway East division (pt.)	1,383
r/o Myrtle Beach division (pt.)	1,070
Longs division (pt.)	647
r/o Loris division (pt.)	141
r/o Conway East division (pt.)	2,140
r/o Little River division (pt.)	338
r/o Conway division (pt.)	249
r/o Loris division (pt.)	100
North Myrtle Beach city (pt.)	1,434
r/o Little River division (pt.)	95
Totals for Horry County (1990 Census):	73,822

## ***EXHIBIT 2***



WPAW  
Atlantic Beach Site (Ref Coords)

Search 06-24-92

Data 1

Current rules spacings

CHANNEL 262 -100.3 MHz

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
WPAW.C	262A	Pawleys Island	SC	224.0	55.99	115.0	-59.01 *
WSTS.C	265C2	Pairmont	NC	338.5	55.95	55.0	0.95 <
WBSFM	260C	Burgaw	NC	37.0	97.21	95.0	2.21 <
WKSJ.C	263C3	Marion	SC	307.4	95.88	89.0	6.88
AD262	262C1	Harkers Island	NC	63.5	221.88	200.0	21.88
WBSFM	260C1	Burgaw	NC	37.2	97.32	75.0	22.32
WFN	261A	Lake City	SC	280.8	102.74	72.0	30.74
WORG.A	262C3	Elloree	SC	254.8	187.15	142.0	45.15
ALOPEN	262C3	Elloree	SC	255.1	187.29	142.0	45.29

## ***EXHIBIT 3***

## HIGHLIGHTS OF ATLANTIC BEACH HISTORY

**Atlantic Beach, South Carolina**, one of a very few historically Black, incorporated municipalities in the United States, was founded in the 1930s by George Tyson, an African-American businessman.

Envisioning a seaside setting where African-Americans could vacation in peace, Tyson purchased two tracts of land which became known as "Pearl" and "Atlantic Beach." Financial difficulties caused Tyson to later mortgage those holdings.

During the 1940s a group of Black professionals formed the Atlantic Beach Company. This company, which consisted of ten stockholders, purchased the land from the mortgage company, and obtained a charter from the State of South Carolina to plat and subdivide the property.

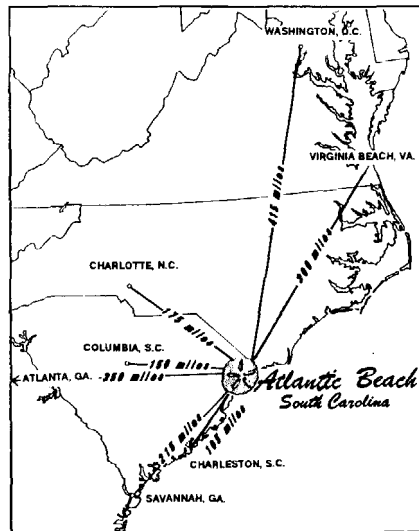
Atlantic Beach thus became one of only a few oceanfront areas located on the Eastern Seaboard open to African-Americans for recreational purposes.

In 1966 the South Carolina Secretary of State issued a municipal charter for the "Town of Atlantic Beach, South Carolina." Election of a Mayor and Town Council was held on June 14, and on June 30 the charter was granted.

In 1987 Atlantic Beach was the setting for filming of portions of the 1960s vintage movie "Shag." The beachfront,

Ocean Boulevard, the former Atlantic Beach Pavilion and sections of Thirtieth Avenue South were virtually transformed into a movie studio for 250-plus movie stars, extras and movie crew for over a week.

In 1991 the Pearl celebrated 25 years of incorporation with the theme, "Together We Can: 25 Years of a Proud Heritage."



Atlantic Beach's central location on U.S. Highway 17 provides easy access to shopping malls, more than 60 golf courses, tennis facilities, boating and deep sea and pier fishing, amusement parks, arts and cultural events, and other attractions in nearby North Myrtle Beach, Myrtle Beach, and Little River.



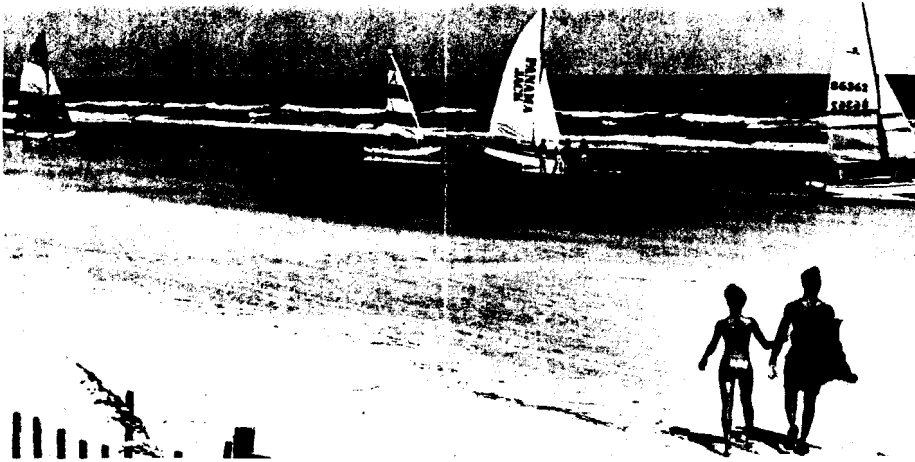
Dept. of Tourism  
Town of Atlantic Beach  
P.O. Box 1425  
North Myrtle Beach, S.C. 29598

Welcome To  
*Atlantic Beach,*  
South Carolina



The "Pearl" of the  
Grand Strand





**Atlantic Beach, South Carolina**, the prettiest little "Pearl" to be found on the shores of the Eastern Seaboard, welcomes you "home" - to its clean, wide, uncrowded beaches, and easy-going Southern hospitality.

One of South Carolina's oldest vacation spots, Atlantic Beach is quietly nestled in the middle of the bustling Grand Strand, the Southeast's most popular coastal family resort area. 98.5 acres in size, Atlantic Beach is known for its rhythm and blues music and dance traditions now called "beach music" and "the Shag."

Jet Skiing, swimming, "homey" comfortable motels and rooming houses, savory seafood and country cooking, and Atlantic Beach's own special historical charm make for a distinctively delightful, coastal way of life that you'll fall in love with for the first time -- or again, and again, and again.

Welcome to the Pearl. Please DO make yourself at home.

- The Annual Memorial Day Weekend Festival in May attracts thousands of motorcyclists and revelers;
- Family Reunions and Fourth of July Celebrations are popular in Atlantic Beach, especially at its 8,400 square-foot Atlantic Beach Community Center. The Center can hold 800 persons for conferences, dances, banquets, concerts, weddings, and other activities;
- Afro-Fest, held on Labor Day Weekend, attracts both the college crowd and the older set with music, vendors, food, and lots of fun;
- Fishing, golf tournaments, oyster roasts in the fall or winter are excellent ways to experience Atlantic Beach in the off season.

**First Missionary Baptist Church of Atlantic Beach**  
U.S. Highway 17  
Sunday School: 10 a.m. / Services: 11:30 a.m.

**Atlantic Beach Police Department**  
717 30th Ave. S.  
1-803-272-6723

**Atlantic Beach Town Hall**  
717 30th Ave. S.  
1-803-272-5287

**Atlantic Beach Community Center**  
Virginia Street  
1-803-272-5287



Please make your check or money order payable to the Town of Atlantic Beach and mail to:  
**Department of Tourism**  
**Town of Atlantic Beach**  
**P.O. Box 1425**  
**North Myrtle Beach, SC 29598**

Reynolds Images, Inc.

# **YES, I WANT TO CONTRIBUTE TO THE TOWN OF ATLANTIC BEACH**

My payment of \$\_\_\_\_\_ is enclosed.

All contributions are tax deductible.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_ TELE. \_\_\_\_\_

No, I can't contribute right now, but please put me on your mailing list.

(\_\_\_\_\_ Please check this line and fill out the above and return.)